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15 Co-Lead Counsel for Plaintiffs

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 In re EXODUS COMMUNICATIONS, INC. ) Master File No. C-01-2661-MMC  
19 SECURITIES LITIGATION )  
\_\_\_\_\_  
20 This Document Relates To: )  
\_\_\_\_\_  
21 ALL ACTIONS. )  
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CLASS ACTION

STIPULATION AND INTERIM  
[PROPOSED] ORDER

## STIPULATION

Plaintiffs and defendants, through their counsel, submit the following stipulation and proposed interim order concerning the confidential treatment of documents and other materials produced in discovery.

5 WHEREAS, this matter is a civil class action and the parties have begun to pursue discovery;

6 WHEREAS, the parties are in the process of negotiating a proposed confidentiality order  
7 governing the treatment of confidential information produced in discovery;

8 WHEREAS, certain parties and non-parties are preparing to produce documents in response  
9 to document requests and subpoenas;

WHEREAS, in order to avoid unnecessary delay, the parties have agreed to the entry of an interim order, pending entry of a formal protective order, permitting any party or non-party to designate documents and other materials produced in discovery as confidential;

13 WHEREAS, the parties agree that pending entry of a formal confidentiality order and except  
14 as permitted by the party producing the documents or other materials, documents and other materials  
15 designated confidential may not be shown to any person other than counsel and their regular  
16 employees;

17 NOW THEREFORE, the parties hereby stipulate to entry by the Court of an interim order  
18 requiring all documents and other materials designated by a producing party or non-party as  
19 confidential to be treated as attorney's-eyes-only and not to be shown to any person other than  
20 counsel and their regular employees. Without written permission from the designating party or a  
21 court order secured after appropriate notice to all interested persons, a party may not file in the  
22 public record in this action any materials designated as confidential. A party that seeks to file under  
23 seal any material designated as confidential must comply with Civil Local Rule 79-5.

1 SO STIPULATED

2 DATED: March 15, 2006

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23 DATED: March 15, 2006

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Attorneys for Defendants

11 I, John K. Grant, am the ECF User whose ID and password are being used to file this  
12 Stipulation and Interim Proposed Order. In compliance with General Order 45, X.B., I hereby attest  
13 that Dhaivat H. Shah and Paul J. Collins, attorneys for defendants, have concurred in this filing.

14 \* \* \*

15 [PROPOSED] ORDER

16 Pursuant to the parties' stipulation, and good cause appearing, IT IS SO ORDERED:

17 1. Pending entry of a formal protective order, any party or non-party is entitled to  
18 designate documents and other materials produced in discovery as confidential.

19 2. Documents and other materials designated confidential may not be shown to any  
20 person other than counsel and their regular employees.

21 3. Without written permission from the designating party or a court order secured after  
22 appropriate notice to all interested persons, a party may not file in the public record in this action any  
23 materials designated as confidential. A party that seeks to file under seal any material designated as  
24 confidential must comply with Civil Local Rule 79-5.

25 DATED: March 16, 2006

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27 THE HONORABLE MAXINE M. CHESNEY  
28 UNITED STATES DISTRICT JUDGE